

February 7, 2006

Mr. Grossi called the Workshop Session of the Union Township Planning Board/Board of Adjustment to order at 7:00 p.m. The Sunshine Statement was read.

Members Present: Mr. Rossi, Mr. Mulhall, Mr. Martin, Mr. Brandt, Mr. Lukasik,
Mr. Rosol (9:30 p.m.), Mr. Grossi, Mr. Scott

Members Absent: Mr. Bischoff, Mr. Roth

Others Present: Robert Bogart, Carl Hintz, Maryann Nergaard, Fred Allen, Michael Halpern, Rob Pinto, Philip Roerig

Mr. Grossi said the Board would be holding an Executive Session to interview attorneys. Mr. Scott made the motion to go into Executive Session. Mr. Lukasik seconded the motion. (7:00 p.m.)

Vote: All Ayes

A Resolution providing for a meeting Not Open to the Public in accordance with the revisions of the N.J.S.A. 10:A-4-12.

WHEREAS, the Planning Board of the Township of Union is subject to the Open Public meetings Act, N.J.S.A.10:A-4-6, et Seq. and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:A-4-12, provides that an Executive Session, not open to the Public, may be held for certain specified purposes when authorized by Resolution, and

WHEREAS, it is necessary for the Planning Board of the Township of Union, assembled in public session on February 7, 2006, in the Union Township Municipal Building, 140 Perryville Road, Hampton, N.J. 08827, for the discussion of matters relating to the specific items designated above: Matters related to Personnel

It is anticipated the deliberations conducted in closed session may be disclosed to the public upon determination by the Planning Board that the public interest will no longer be served by such confidentiality.

A motion to leave Executive Session was made by Mr. Lukasik and seconded by Mr. Mulhall. (7:20 p.m.)

Vote: All Ayes

Informals:

Pinto: Block 22, Lot 32,14, 12 Carhart Court: Mr. Grossi asked Mr. Pinto to come forward. Mr. Pinto is seeking Board input on a proposal for a minor-subdivision, boundary-line adjustment between his property and the neighbors (M/M Ingraham). Mr. Pinto said he would like to install a fence. Mr. Bogart said the proposal, as shown, could create a variance situation. He advised Mr. Pinto to seek professional help. Mr. Pinto said he had discussed the issue with a surveyor (John Hamilton) and was told it could be very expensive. The surveyor advised Mr. Pinto to present the proposal to the Board. Mr. Bogart told Mr. Pinto that a different reconfiguration could preclude the need for a variance. Mr. Brandt mentioned the potential need for documentation from the Ingrahams. Mr. Bogart said they would be a part of the application. Mr. Pinto thanked the Board for their input.

Perryville Road Farm, Inc. Roerig: Block 30, Lot 8, 42 Perryville Road: Mr. Grossi asked Mr. Roerig to come forward Messrs. Rossi and Mulhall recused themselves. Dr. Roerig introduced his brother Adam and his parents, Eileen and Ludwig Roerig. He said his brother and sisters would like to continue the farm. Mr. Roerig felt his proposal appropriate and that it is an allowed use in the AP II District. Mr. Scott said that the uses are being changed. Kennels would be a conditional use under the new zoning. . He is proposing a Companion Animal Inn that could provide kenneling for 150 dogs. Mr. Roerig said the proposal should allay concerns of neighbors and clients about noise and odors. Mr. Grossi noted that the proposed facility is modern. He asked Mr. Roerig if the concept was new. Mr. Roerig said it is a trend. He provided photos from a California facility. He believes it would be a first for New Jersey. Mr. Grossi asked if there were other kennels of similar design that would show the success of noise being suppressed. Adam Roerig said there is a kennel in Quakertown Pennsylvania that is not of the same design; however, noise was not evident from the outside. It was very noisy inside. Mr. Grossi said it seems the main purpose of the design is to prevent noise. Mr. Roerig said “absolutely”. He said it would be much easier and less expensive to have outside runs. Mr. Grossi asked if there were other good things about the design. Mr. Roerig said climate control is a feature. It is also designed to keep dogs comfortable, safe and secure, emotionally and physically, for a short period of time.

Mr. Scott asked Dr. Roerig if the proposed facility would be for housing of the animals and was his veterinary practice moving? Dr. Roerig said his practice would not be moving. Mr. Hintz asked the proposed number of dogs that could be housed at the facility. Mr. Roerig said 150. Mr. Hintz said he counted 75. Mr. Roerig said the proposed facility has two stories. Mr. Hintz had a concern about the location. Mr. Roerig said the location was selected because the buildings could be consolidated, open space could be preserved and there is an ideal place for the septic system. Other areas have steeper slopes. Mr. Hintz asked if the County Board of Health had been contacted about water usage.

Mr. Roerig said that had not been done.. He was advised to do so. Mr. Roerig said he had water usage information from the American Kennel Association. Mr. Scott asked about traffic patterns. Mr. Roerig said the peak times would probably be weekends, holidays, and summer. Mr. Bogart asked if the project would be phased in. Mr. Roerig said he would like to do that; however, it could be a problem. He said that, perhaps, building shells could be constructed. Mr. Bogart said if the project was phased, it might alleviate anxiety of neighbors. Mr. Roerig assured the Board that noise should not be a problem with the proposed design. Mr. Brandt said he understands the building is designed to create a home like atmosphere. Mr. Brandt also understood that the number of dogs allowed is not based on acreage; there is a limit of 25 dogs per kennel. Mr. Bogart confirmed with Mr. Hintz that the number is not driven by acreage. Mr. Hintz said it is not. Mr. Brandt said he also understands that in order for the proposal to work, Dr. Roerig needed the proposed number of 150. Mr. Roerig said his original plan was for 300 dogs. However, he rationalized that 25 dogs per ten acres might be more acceptable. The property has 65 acres+/- . Mr. Brandt said the concept is very interesting; however, he believes there would be objections from nearby residents. Mr. Lukasik asked the size of the building. It would be about 200 by 200 feet and approximately 25 feet high. Mr. Hintz asked the proposed number of employees. Mr. Roerig said approximately eight full-time and eight part-time, perhaps twenty altogether.

Mr. Scott mentioned the COAH obligation. It would be calculated by the square footage of the building. Mr. Hintz told Dr. Roerig the Ordinance states that every 8,000 square feet of non-residential space generates one affordable housing unit. Mr. Hintz advised Mr. Roerig to obtain a copy of the Ordinance. Mr. Roerig said he would. Mr. Bogart said he felt there would be objectors to the proposal and that Mr. Roerig should be prepared for high professional fees. He thought that a sound expert would be necessary. Mr. Roerig said he had looked into that issue. Mr. Scott revisited COAH. He understood that COAH Units would either have to be built on the site or another suitable location. Mr. Brandt asked Mr. Scott if applicant could either build COAH Units or make a contribution. Mr. Scott said with the Growth Share Ordinance he believes the Units must be built. Mr. Roerig said he understands there may be objectors to the proposal. He wanted to know how Board members felt. Mr. Grossi said he felt that if Mr. Roerig could prove, without contradiction, that there would not be a noise problem, there would not be an issue. Mr. Scott said it would depend on whether a variance was requested or whether the application complied with the Ordinance. Mr. Hintz said the proposed use is conditional. He suggested that Dr. Roerig talk to a planner and an attorney. Mr. Bogart asked Dr. Roerig if this proposal would resolve the future of the farm. Mr. Roerig said "yes", for some time. The proposal would be a long-term investment. Mr. Roerig thanked the Board for their time.

Messrs. Rossi and Mulhall returned after the above discussion.

Master Plan Re-Examination Report: Mr. Scott said the MP has to be re-examined every six years. That was last done in 2000. Mr. Hintz had prepared a Draft Report for the Board to review. Mr. Hintz said the Planning Board adopts the Report. A Public Hearing is not required. Mr. Hintz said if the Board approves the Report a copy is forwarded to the Governing Body and the Hunterdon County Planning Board. The Report is for informational purposes. Mr. Hintz gave an overview of the Report.

Mr. Grossi asked Board members to hold their thoughts. He said that Attys. Allen and Halpern had arrived and the Board would be going into Executive Session.

A motion to go into Executive Session to discuss Personnel was made by Mr. Scott and seconded by Mr. Lukasik. (8:10 p.m.)

Vote: All Ayes

A Resolution providing for a meeting Not Open to the Public in accordance with the revisions of the N.J.S.A. 10:A-4-12.

WHEREAS, the Planning Board of the Township of Union is subject to the Open Public Meetings Act, N.J.S.A. 10:A-4-6, et Seq. and

WHEREAS, the Open Public Meetings Act, N.J.S.A.10:A-4-12, provides that an Executive Session, not open to the Public, may be held for certain specified purposes when authorized by Resolution, and

WHEREAS, it is necessary for the Planning Board of the Township of Union, assembled in public session on February 7, 2006, in the Union Township Municipal Building, 140 Perryville Road, Hampton, N.J. 08827, for the discussion of matters relating to the specific items designated above: Matters related to Personnel

It is anticipated the deliberations conducted in closed session may be disclosed to the public upon determination by the Planning Board that the public interest will no longer be served by such confidentiality.

A motion to leave Executive Session was made by Mr. Mulhall and seconded by Mr. Scott. (8:30 p.m.)

Vote: All Ayes

Master Plan Re-Examination Report, cont'd. Board members recommended some revisions to the Report. Mr. Mulhall made a motion to adopt the Master Plan Re-Examination Report of the Township of Union, as amended this evening. Mr. Scott seconded the motion.

Vote: Ayes: Mr. Mulhall, Mr. Scott, Mr. Rossi, Mr. Martin, Mr. Brandt, Mr. Lukasik, Mr. Grossi

Mr. Hintz said he would make the changes and distribute the Report to the Township Committee, Planning Board Members, Professionals and the Hunterdon County Planning Board. Mr. Scott said he believes the Report has to go to neighboring municipalities. Mr. Hintz said he would check into that matter.

ANJEC Ordinance Referral of Section 30-4 and 30-5 to the Township Committee:

Mr. Scott said the Township Committee had the First Reading of the Ordinances at their February 1, 2006 meeting. The Committee referred the Ordinances back to the Planning Board to reaffirm that they were before the Committee at the recommendation of the Board. Mr. Scott made a motion that the Board endorse and approve the modifications to Section 30-4 and 30-5 of the Land Use Ordinance and refer them back to the Committee for the Second Reading and adoption. Mr. Mulhall said the Hearing would be held on March 1, 2006. He asked that Planning Board members attend and show their support for the changes in those Sections of the Ordinance. Mr. Mulhall seconded the motion.

Vote: Ayes: Mr. Scott, Mr. Mulhall, Mr. Rossi, Mr. Martin, Mr. Brandt, Mr. Lukasik, Mr. Grossi

Soil Erosion Ordinance: Mr. Bogart gave an overview of the proposed Ordinance. The Ordinance had been discussed at the Board's January 26, 2006 meeting at which time revisions were made. Mr. Scott made a motion to recommend to the Township Committee to adopt Article 30-25, the Soil Erosion Ordinance. Mr. Lukasik seconded the motion.

Vote: Ayes: Mr. Scott, Mr. Lukasik, Mr. Mulhall, Mr. Martin, Mr. Brandt, Mr. Grossi
Abstain: Mr. Rossi

Mr. Grossi asked about the Parking Ordinance. Mr. Hintz said he would have it in readiness for the March 7, 2006 Workshop. Mr. Bogart said Stormwater Ordinances would be forthcoming. He said they are based on the State Template, for the most part. Mr. Hintz wanted to know if Stream Buffers were included.

Fee Schedule Ordinance: Mr. Mulhall said that was introduced at the February 1, 2006 Committee Meeting. Mr. Scott made a motion that the Board approve the Amendment to the Fee Ordinance for Extensions and Amendments and refer it back to the Township Committee for Second Reading and adoption. Mr. Rossi seconded the motion.

Vote: Ayes: Mr. Scott, Mr. Rossi, Mr. Mulhall, Mr. Martin, Mr. Brandt, Mr. Lukasik, Mr. Grossi

Zoning Official Comments: Mr. Mills told the Board there is a house located on Baptist Church Road that is occupied by three families. Mr. Mills believes that when the house was sold to them, the current owners were led to believe that the house was a legal three-family home. Mr. Mills said the house was sold as a two-family house in the 1980's. He also said the previous Zoning Official, Herman Dowe, and Construction Official John Leonard had inspected the property in 1991. Their records indicated that there was an old conversion. Mr. Bogart asked if Messrs. Dowe and Leonard had inspected the dwelling as a result of an action by the Planning Board/BOA. Mr. Mills said "no". He also said there was a fire a few years ago. Mr. Mills said the County Board of Health had made an inspection and they had no problem. Mr. Mills wanted to know if the owner should apply to the Board for a variance. Mr. Lukasik asked Mr. Mills if three kitchens constituted a three-family dwelling. Mr. Mills said "yes". Mr. Mills said he did not know if there were three kitchens. Mr. Brandt mentioned the incidence of fires in New York that had started in illegal basement apartments. He wanted to know if the Township would be liable if it was acknowledged that the apartment existed and occupancy was allowed to continue. Mr. Mills said he would issue a letter about the violation. Mr. Mulhall asked if the two-family dwelling was legitimate. Mr. Mills said the Township allows for conversion of a single-family house into a two-family dwelling. Mr. Mulhall asked Mr. Mills if he was suggesting the house had been approved for two families. Mr. Mills said his knowledge stemmed from the sale of the house in the 1980's. Mr. Rossi asked Mr. Mills if he would have sold the house if it had an illegal apartment. Mr. Mills said he would not have. Mr. Mulhall said the burden of proof is on the owners. Mr. Brandt said the insurance policy should reflect whether it is a two-family house. Mr. Lukasik said a policy could be obtained for a single-family dwelling even if it was a two family.

Mr. Mills said he received an inquiry about building a 100,000 square-foot big-box building on the Sterling Point property, Block 22, Lot 4. He had also received an inquiry about constructing an office building on the Perryville Group property, Block 22, Lot 5. Mr. Mulhall said neither of those proposals would meet the existing site-plan approvals.

Mr. Mills also said the Pfauths, owners of Block 4, Lot 2, Route 173 West, have a purchaser for their property. The prospective buyer is the owner of Union Station Diner. He had approached the Highlands Council and was assured that he could obtain approval to utilize the footprint of the existing building. Mr. Mills told the prospective buyer to get an exemption from the Highlands prior to coming to the Board.

Correspondence: NJPO Winter/Spring Educational Programs: Reservations should be submitted to the Board secretary.

Approval of Minutes: Mr. Mulhall made a motion to approve the minutes of the January 10, 2006 Reorganizational and Workshop meetings. Mr. Scott seconded the motion.

Vote: Ayes: Mr. Mulhall, Mr. Scott, Mr. Rossi, Mr. Martin, Mr. Brandt, Mr. Lukasik, Mr. Grossi

Mr. Grossi announced the Board would be going into Executive Session.

Mr. Scott made the motion to go into Executive Session to discuss Personnel and Litigation. Mr. Lukasik seconded the motion. (9:25 p.m.)

Vote: All Ayes, No Nays, Motion Carried

A Resolution providing for a meeting Not Open to the Public in Accordance with the revisions of the N.J.S.A. 10:A-4-12

WHEREAS, the Planning Board of the Township of Union is subject to the Open Public Meetings Act, N.J.S.A. 10:A-4-6, et. Seq., and

WHEREAS, the Open Public meetings Act, N.J.S.A. 10:A-4-12, provides that an Executive Session, not open to the Public, may be held for certain specified purposes when authorized by Resolution, and

WHEREAS, it is necessary for the Planning Board of the Township of Union to discuss in a session not open to the Public certain matters related to the item or items authorized by N.J.S.A. 10:4-1b and designated above: Matters Relating to Litigation and Personnel

Now, therefore, be it resolved by the Planning Board of the Township of Union, assembled in public session on February 7, 2006, in the Union Township Municipal Building, 140 Perryville Road, Hampton, N.J. 08827, for the discussion of matters relating to the specific items designated above.

It is anticipated the deliberations conducted in closed session may be disclosed to the public upon determination by the Planning Board that the public interest will no longer be served by such confidentiality.

A motion to leave Executive Session was made by Mr. Lukasik and seconded by Mr. Scott. Mayor Rossi said the record should reflect that Mr. Rosol came into the Executive Session during the discussion of matters. (10:15 p.m.)

Vote: Mr. Lukasik, Mr. Scott, Mr. Rossi, Mr. Mulhall, Mr. Martin, Mr. Brandt,
Mr. Grossi

Abstain: Mr. Rosol

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Mr. Grossi asked for a voice vote of the membership as to the selection of William Sutphen as Attorney for the Board for the year 2006.

Vote: All Ayes, No Nays, Motion Carried

Mr. Grossi said if there was no further business to come before the Board the meeting would be recessed.

Motion to Adjourn: Mr. Mulhall made a motion to adjourn. It was seconded by Mr. Rossi. (10:20 p.m.)

Vote: All Ayes

Grace A. Kocher, Secretary